

REMARKS

In the Office Action, claims 2-8, 10-17, and 19-25 were withdrawn. Claims 1, 9, 18, and 26-27 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,879,112¹.

Initially, it should be noted that for a prior art reference to anticipate under 35 U.S.C. § 102 every element of the claimed invention must be identically shown in a single reference, see *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990) emphasis added. Those elements must be arranged as in the claim (emphasis added). *Brown v. 3M*, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001).

The Hickey patent discloses a mirror 14 with a reflective surface 28 mounted to a plate member 26 which is anchored to the base 22 by a pair of screws 42 and 48 extending through tabs 38 and 44, respectively. These screws hold the mirror against a centrally located pivot 24 together with an adjustment screw 54 extending through a tab 50 on the opposite side of the pivot 24 from the mounting screws 42 and 48. Screw 54 allows plate 26 and reflective surface 28 thereon to tilt for varying the angle of tilt of the mirror. The mounting of the plate 26 by screws 42, 48, and 54, however, prevent rotation of the plate with respect to the base 22 inasmuch as the three tabs of plate 26 are anchored against rotation by these screws. Thus, this system only allows for tilting adjustment of the mirror.

Applicant's invention (as seen in Fig. 1), on the other hand, as specifically defined in independent claims 1 and 27 as now amended to more clearly define its structure in operation, specifically defines a cover (65) with a retainer (63) which is rotatably supported by said cover around an axis orthogonal to the plane of said retainer. The claim further calls for a plate-like member (60) supported on three spaced-apart projections (67, 67, 68) on said retainer and a biasing member (62) for biasing the plate-like member toward the retainer, wherein at least one of the support projections (68) is an adjusting member which is adjustable in the direction of

¹ Although the patent number was omitted from the Office Action, a subsequent telephone conversation with the Examiner indicated that the reference being employed by the Examiner in this rejection was the Hickey U.S. Patent No. 3,879,112.

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Serial No. : 09/737,075
Page : 9

said axis, such that the angle of tilt of said plate-like member can be adjusted by said adjusting member and the direction of tilt of said plate-like member can be varied by rotating said retainer. This two-fold adjustment operation is specifically described in detail in paragraph 76 of the present application, as published (Publication No. 20020051254) with reference to Figs. 5 and 7. The Hickey `112 mirror is incapable of such rotation due to the anchoring of the plate 26 by the screws which extend through the mounting plate into the base 22.

Thus, each and every element of the independent claims 1 and 27 and particularly the rotatable mounting of the retainer to the cover, are not taught nor suggested by the Hickey `112 reference or the remaining references of record. Accordingly, reconsideration of the 35 U.S.C. 102(b) rejection is respectfully solicited. By this Amendment, it is submitted that claims 1 and 27 and claims 9, 18, and 26, dependent on claim 1, are in condition for allowance, which action is respectfully solicited.

Respectfully submitted,

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